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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/628,977	07/28/2003	Brad Haerberle	2003P11247US	7131
7590 Siemens Corporation Intellectual Property Department 170 Wood Avenue South Iselin, NJ 08830			EXAMINER AUGUSTINE, NICHOLAS	
			ART UNIT 2179	PAPER NUMBER
			MAIL DATE 03/30/2011	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/628,977

Applicant(s)

HAEBERLE ET AL.

Examiner

NICHOLAS AUGUSTINE

Art Unit

2179

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 December 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 22, 23, 34 and 43-55 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 22-23, 34 and 43-55 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

- A. This action is in response to the following communications: Appeal Brief filed 12/30/2010.
- B. Claims 22-23, 34 and 43-55 remain pending.

1. In view of the Appeal Brief filed on 12/30/2010, PROSECUTION IS
HEREBY REOPENED. A new ground of rejection set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

(+) The prior art **Markle, Gary et al. (US Pat. 6,721,689)** is being withdrawn from the previous 35 USC 103 rejection. Examiner however still deems Markle as a relevant piece of prior art, but at an attempt for further prosecution **Levi, Andrew (US Pat. 6,636,983 B1)** is introduced to remedy the teachings of **Weiss, Jeffrey et al. (US Pub. 2002/0143872)**.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 22-23, 34 and 43-55 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Weiss, Jeffrey et al. (US Pub. 2002/0143872)**, herein referred to as "Weiss" in view of **Levi, Andrew (US Pat. 6,636,983 B1)**, herein referred to as "Levi".

As for claim 22, Weiss teaches a computer implemented method for providing information relating to service activity for a plurality of building sites: providing a web portal (par.40,54; clients access common interface to view services and related information) comprising a database (par.38-39; directory server and database server used to store information such as providing data), and storing service related information about a plurality of building sites in said database, said web portable

capable of being operatively connected to one or more clients (par.43,45,47; figure 4 depicts more than one client);

storing service activity information for a plurality of service calls, storing for each of the plurality of calls a corresponding status of the service calls (par.45; storing provision data in directory server; par.46 storing work-order data in database server);

receiving at said web portal a request for information about a status of service activity for one or more building sites from one or more clients (par.47-49;57);

determining at said customer web portal a plurality of service activities that are implicated by said request (par.49,57); and

communicating from said web portal information implicated by said request such that said information is capable of being on a client display (par.50); wherein said communicated service related information is organized by site (figures 7-8; depicts the user organizing by company/site and services/systems) and includes information identifying a quantity of service calls having an open status, and information regarding a quantity of service calls having a closed status (par.48,50,52; a notification system is used to providing status updates through the control module, such updates of when a work-order is complete).

Weiss does not specifically in great detail teach providing information about the status of one or more services for one or more sites/systems; requesting further information about one or more services and type of one or more services; however in the same field of endeavor **Levi teaches** providing information about the status of one or more

services for one or more sites/systems (col.3, lines 55-61, 66; col.4, lines 1-3, 9, 20; col.5, lines 38-39);

requesting further information about one or more services and type of one or more services (col.13, lines 58-61; col.14, lines 9-15, 31,34-35).

Even if it is not true that the teachings in par.48,50,52 of Weiss do not imply the claimed limitation "*and includes information identifying a quantity of service calls having an open status, and information regarding a quantity of service calls having a closed status*", the **limitation is disclosed by Levi** in **col. 17, lines 52-53; col.18, lines 20-23; col.19, lines 14, 20, 46-48, 61; col. 20, lines 17-18).**

In Summary: Levi provides clients an access to an interface for a site manager that manages one or more sites (buildings) displaying an overview of the status of utilities, environment, security, hazards, equipment, etc... The user is able to view graphical alerts and generate detailed reports of the services of a site such that the user is able to quickly view health information from one or more buildings; more specifically the site administrator is able to view a open issue list, which is a list of issues from one or more sites that have an alert from a service or device and/or being currently corrected; further displaying a closed issue list, which is a list of closed issues that have been resolved wherein the administrator can view a log of information as well as technical comments and other related information pertaining to the resolution of the selected issue,

additionally adding the function for allowing the administrator to reopen a closed issue if need be.

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Levi into Weiss, this is true because Levi teaches a system for hosted monitoring solution for the total management of a plurality of facilities; such facilities might consist of one or more buildings/locations ; wherein one type of monitoring is of utility services (e.g. HVAC); wherein this monitoring is used across a network (col.3,lines 46-55; col.4, line 20). Weiss is also concerned with providing a system for managing and monitoring services for multiple site locations or buildings across a network (par.1, 12). The combination of Levi into Weiss provides the use of Levi's site administrative graphical organization of data to be presented by an interface to show the statuses of Weiss's services; thus providing an interface to monitor the status of services for multiple buildings.

As for claim 23, Weiss teaches a computer implemented method for providing information relating to service activity for a plurality of building sites: providing a web portal (par.40,54) comprising a database (par.38-39), and storing service related information about a plurality of building sites in said database, said web portable capable of being operatively connected to one or more clients (par.43,45,47); storing service activity information for a plurality of service calls, storing for each of the plurality of calls a corresponding status of the service calls (par.45-46);

receiving at said web portal a request for information about a status of service activity for one or more building sites from one or more clients (par.47-49,57); determining at said customer web portal a plurality of service activities that are implicated by said request (par.49,57); and communicating from said web portal information implicated by said request such that said information is capable of being on a client display (par.50); wherein said communicated service related information is organized by system (fig.7-8), and includes information identifying a quantity of service calls for each of a plurality of systems (par.48,50,52).

Weiss does not specifically in great detail teach providing information about the status of one or more services for one or more sites/systems; requesting further information about one or more services and type of one or more services; however in the same field of endeavor **Levi teaches** providing information about the status of one or more services for one or more sites/systems (col.3, lines 55-61, 66; col.4, lines 1-3, 9, 20; col.5, lines 38-39); requesting further information about one or more services and type of one or more services (col.13, lines 58-61; col.14, lines 9-15, 31,34-35).

Even if it is not true that the teachings in par.48,50,52 of Weiss do not imply the claimed limitation "*and includes information identifying a quantity of service calls having an open status, and information regarding a quantity of service calls having a closed*

status", the limitation is disclosed by Levi in col. 17, lines 52-53; col.18, lines 20-23; col.19, lines 14, 20, 46-48, 61; col. 20, lines 17-18).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Levi into Weiss, this is true because Levi teaches a system for hosted monitoring solution for the total management of a plurality of facilities; such facilities might consist of one or more buildings/locations ; wherein one type of monitoring is of utility services (e.g. HVAC); wherein this monitoring is used across a network (col.3,lines 46-55; col.4, line 20). Weiss is also concerned with providing a system for managing and monitoring services for multiple site locations or buildings across a network (par.1, 12). The combination of Levi into Weiss provides the use of Levi's site administrative graphical organization of data to be presented by an interface to show the statuses of Weiss's services; thus providing an interface to monitor the status of services for multiple buildings.

As for claim 34, Weiss teaches a system for providing information relating to service activity for a plurality of building sites comprising:
a web portal (par.40,54) comprising a database (par.38-39) for storing service activity for a plurality of building sites, said web portal capable of being connected to a plurality

of clients and for receiving at said web portal a request for information about a status of service activity for one or more building sites from one or more clients (par.43,45,47; figure 4);

said web portal capable of determining a plurality of service activities that are implicated by said request (par.48-49,57), said web portal capable of communicating said service activity information implicated by said request such that said service activity information is capable of being displayed on a client display (par.50), said communicated service activity information including information identifying a quantity of service calls having an open status, and information regarding a quantity of service calls having a closed status (par.48,50-52): and , wherein said service related information communicated by said web portal is organized by site (fig.7-8).

Weiss does not specifically in great detail teach providing information about the status of one or more services for one or more sites/systems; requesting further information about one or more services and type of one or more services; however in the same field of endeavor **Levi teaches** providing information about the status of one or more services for one or more sites/systems (col.3, lines 55-61, 66; col.4, lines 1-3, 9, 20; col.5, lines 38-39);
requesting further information about one or more services and type of one or more services (col.13, lines 58-61; col.14, lines 9-15, 31,34-35).

Even if it is not true that the teachings in par.48,50,52 of Weiss do not imply the claimed limitation "*and includes information identifying a quantity of service calls having*

an open status, and information regarding a quantity of service calls having a closed status", the limitation is disclosed by Levi in col. 17, lines 52-53; col.18, lines 20-23; col.19, lines 14, 20, 46-48, 61; col. 20, lines 17-18).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Levi into Weiss, this is true because Levi teaches a system for hosted monitoring solution for the total management of a plurality of facilities; such facilities might consist of one or more buildings/locations ; wherein one type of monitoring is of utility services (e.g. HVAC); wherein this monitoring is used across a network (col.3,lines 46-55; col.4, line 20). Weiss is also concerned with providing a system for managing and monitoring services for multiple site locations or buildings across a network (par.1, 12). The combination of Levi into Weiss provides the use of Levi's site administrative graphical organization of data to be presented by an interface to show the statuses of Weiss's services; thus providing an interface to monitor the status of services for multiple buildings.

As for claim 43, Weiss teaches the method according to claim 22, further comprising receiving a request from a client to display further information about an individual service activity, and communicating said further information such that said information is capable of being displayed on a client display (par.42).

As for claim 44, Weiss teaches the method according to claim 22, wherein said service activity information further comprises information relating to the type of service activity being provided (par.58).

As for claim 45, Weiss teaches the method according to claim 22, wherein said service activity information further comprises information about the type of system a service activity is being provided for (par.60).

As for claim 46, Weiss teaches the method according to claim 22, wherein service activity information further comprises information about a call type of a service activity (par.49-50).

As for claim 47, Weiss teaches the method according to claim 22, wherein service activity information further comprises information identifying a quantity of service calls having an open status for each of a plurality of sites in which service activity is being performed, and information regarding a quantity of service calls having a closed status for each of the plurality of sites (par.50-52 and fig.7-8).

Even if it is not true that the teachings in par. 50-52 and fig.7-8 of Weiss do not imply the claimed limitation "*information identifying a quantity of service calls having an open status for each of a plurality of sites in which service activity is being performed, and*

information regarding a quantity of service calls having a closed status for each of the plurality of sites", the limitation is disclosed by Levi in col. 17, lines 52-53; col. 18, lines 20-23; col. 19, lines 14, 20, 46-48, 61; col. 20, lines 17-18).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Levi into Weiss, this is true because Levi teaches a system for hosted monitoring solution for the total management of a plurality of facilities; such facilities might consist of one or more buildings/locations ; wherein one type of monitoring is of utility services (e.g. HVAC); wherein this monitoring is used across a network (col.3,lines 46-55; col.4, line 20). Weiss is also concerned with providing a system for managing and monitoring services for multiple site locations or buildings across a network (par.1, 12). The combination of Levi into Weiss provides the use of Levi's site administrative graphical organization of data to be presented by an interface to show the statuses of Weiss's services; thus providing an interface to monitor the status of services for multiple buildings.

As for claim 48, Weiss teaches the method according to claim 22, further comprising receiving a request from a client to obtain further information about an individual building site and communicating said further information about an individual building site such that said information is capable of being displayed on a client display (par.54; fig.7-

8).

As for claim 49, Weiss teaches the method according to claim 22, further comprising receiving a request from a client for information about an individual service order, and communicating said individual service order information such that said individual service order information is capable of being displayed on a client display (par.50-52 and fig.9).

As for claim 50, Weiss teaches the method according to claim 23, further comprising receiving a request from a client to display further information about an individual service activity, and communicating said further information such that said information is capable of being displayed on a client display (par.42).

As for claim 51, Weiss teaches the method according to claim 50, wherein the further information further comprises information about a call type of the individual service activity (par.49-50).

As for claim 52, Weiss teaches the method according to claim 23, wherein service activity information further comprises information identifying a quantity of service calls having an open status for each of a plurality of sites in which service activity is being performed, and information regarding a quantity of service calls having a closed status for each of the plurality of sites (par.50-52 and fig.7-8).

Even if it is not true that the teachings in par. 50-52 and fig.7-8 of Weiss do not imply the claimed limitation "*information identifying a quantity of service calls having an open status for each of a plurality of sites in which service activity is being performed, and information regarding a quantity of service calls having a closed status for each of the plurality of sites*", the **limitation is disclosed by Levi** in **col. 17, lines 52-53; col.18, lines 20-23; col.19, lines 14, 20, 46-48, 61; col. 20, lines 17-18).**

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Levi into Weiss, this is true because Levi teaches a system for hosted monitoring solution for the total management of a plurality of facilities; such facilities might consist of one or more buildings/locations ; wherein one type of monitoring is of utility services (e.g. HVAC); wherein this monitoring is used across a network (col.3,lines 46-55; col.4, line 20). Weiss is also concerned with providing a system for managing and monitoring services for multiple site locations or buildings across a network (par.1, 12). The combination of Levi into Weiss provides the use of Levi's site administrative graphical organization of data to be presented by an interface to show the statuses of Weiss's services; thus providing an interface to monitor the status of services for multiple buildings.

As for claim 53, Weiss teaches the method according to claim 23, further comprising receiving a request from a client to obtain further information about an individual building site and communicating said further information about an individual building site such that said information is capable of being displayed on a client display (par.42,54; fig.7-8).

As for claim 54, Weiss teaches the system according to claim 34, wherein said web portal is capable of receiving a request for further information about an individual service activity and is capable of communicating said further information such that said information is capable of being displayed on a client display (par.42).

As for claim 55, Weiss teaches the system according to claim 34, wherein the service activity information communicating by said web portal further comprises information relating to the type of service activity being provided (par.58).

(Note :) It is noted that any citation to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. In re Heck, 699 F.2d 1331, 1332-33, 216 USPQ 1038, 1039 (Fed. Cir. 1983) (quoting In re Lemelson, 397 F.2d 1006, 1009, 158 USPQ 275, 277 (CCPA 1968)).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Inquires

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas Augustine whose telephone number is 571-270-1056 and fax is 571-270-2056. The examiner can normally be reached on Monday - Friday: 9:30am- 5:00pm Eastern.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on 571-272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Nicholas Augustine/
Examiner
Art Unit 2179
March 22, 2011

/Weilun Lo/
Supervisory Patent Examiner, Art Unit 2179